



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	JOHNSON et al.	Examiner:	Garcia, G.
Serial No.:	09/550,219	Group Art Unit:	2624
Filed:	April 17, 2000	Docket No.:	BLD920000003US1 (IBMN.009-0519)
Title:	METHOD AND APPARATUS FOR PROCESSING PRINT JOBS VIA PARALLEL SPOOLING AND DESPOOLING OPERATIONS		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence and the papers, as described hereinabove, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 30, 2006.

By: 

David W. Lynch

**PETITION UNDER 37 C.F.R. § 1.181  
TO WITHDRAW HOLDING OF ABANDONMENT**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants received an Office Action dated September 6, 2005. The Office Action did not include a clear and unequivocal statement that the rejections were made final because the Summary Sheet PTOL-326 indicated that the Office Action was non-final.

The Office Action of September 6, 2005 also failed to address the substance of Applicants' previous response. M.P.E.P. §707 (particularly M.P.E.P. §707.07 and §707.07(f)) set forth the requirement that the Examiner address all arguments which have not already been responded to in the statement of the rejection, and that when an Applicant traverses any rejection, the Examiner should, if he or she repeats the rejection, take note of the Applicant's argument and answer the substance of it.

Yet, the last page of the Office Action indicated that the action was made final.

Accordingly, the Office Action dated September 6, 2005 did not include a clear and unequivocal statement that the rejections were made final.

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Believing the status of the Office Action to be non-final, Applicants submitted a response dated December 6, 2005. After expiration of the six-month statutory period for response, Applicants received an Advisory Action refusing to enter the amendments and for the first time unequivocally indicating that the Office Action of September 6, 2005 was in fact final.

It is believed that this petition is timely filed under 37 C.F.R. §1.181(f), since Applicants are responding within two month of becoming aware that the case had become abandoned.


For the above-stated reasons, Applicants respectfully request that the Holding of Abandonment be withdrawn and the enclosed Request For Continued Examination and Preliminary Amendment be considered.

Though not believed to be necessary in view of the merits of this evidence, if a fee is required, please charge Deposit Account No. 50-3669 (BLD920000003US1) for the thorough consideration of this Petition.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicant, David W. Lynch, at 423-757-0264.

Respectfully submitted,

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